



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

Mr. Shaul Yakovi
32222 Agua Dulce Canyon Rd.
Agua Dulce, CA 91390

Sent via Electronic Mail

Dear Mr. Yakovi:

**PROJECT NO. R2012-002971-(5)
CONDITIONAL USE PERMIT NO. 201200163
32222 AGUA DULCE CANYON ROAD
(APN: 3212-007-025, -026, -027, & -028 & 3212-008-054)**

The Regional Planning Commission (Commission), by its action of July 21, 2021, has denied the above-referenced project for inactivity. Enclosed are the Commission's Findings of Denial. This denial is not effective until the appeal period has ended.

The applicant or any other interested persons may appeal the Commission's decision. The appeal period for this project will end at 5:00 p.m. on **August 4, 2021**.

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
(213) 974-1426 or FGaribay@bos.lacounty.gov

For questions or for additional information, please contact Richard Claghorn of the North County Development Services Section at (213) 974-6443, or rclaghorn@planning.lacounty.gov.

Mr. Yakovi
July 21, 2021
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Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning

A handwritten signature in black ink, appearing to read "Samuel Dea". The signature is fluid and cursive, with a large initial "S" and "D".

Samuel Dea, Supervising Regional Planner
North County Development Services Section

SD:RWC

Enclosures: Findings

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02971-(5)
CONITIONAL USE PERMIT NO. 201200163**

1. **ENTITLEMENT REQUESTED.** The applicant, Shaul Yakovi, is requesting a Conditional Use Permit ("CUP") to authorize a special event facility in the R-R (Resort and Recreation Zone) Zone pursuant to Los Angeles County ("County") Code Section 22.40.220 in the Zoning Code at the time the CUP was filed on December 19, 2012. The zoning of the project site was changed from R-R to A-1-2 (Light Agricultural, Two-Acre Minimum Required Lot Area) effective December 27, 2012, which was also the effective date of the current Santa Clarita Valley Area Plan. Because the CUP application was filed prior to effective date, it was allowed to be reviewed under the R-R Zone, the former Santa Clarita Valley Area Plan, and the other applicable Zoning Code requirements then in effect.
2. **MEETING DATE.** July 21, 2021
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A discussion item for denial for inactivity of the CUP was held online on April 20, 2021 before the Hearing Officer. Staff gave a presentation about the project, including a description of numerous requests for the information needed to process the CUP and recommended denial of the pending application due to inactivity. Staff also mentioned additional correspondence received from the applicant's attorney, Mr. Steve Kaplan, on the day prior to the hearing which was provided to the Hearing Officer in a supplemental hearing package and additional information received from him on the day of the hearing which was received too late to include in the supplemental hearing package. After the presentation by staff, the Hearing Officer asked staff if there was a pending Zoning Enforcement case still open on the project site, and staff answered in the affirmative. Mr. Kaplan spoke in support of the project and requested that the Hearing Officer provide additional time so that a meeting could be held with the County Departments reviewing the project in order to review changes that the applicant proposes to significantly reduce the scope of the project. No other speakers testified. The Hearing Officer determined that the applicant had been provided ample opportunities to provide the requested information needed for the project but had failed to do so, deemed the application inactive, denied the CUP application, and closed the public hearing. On April 29, 2021 an appeal to the Regional Planning Commission ("Commission") of the Hearing Officer's denial due to inactivity was filed by the applicant.
4. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing on the CUP was held online on July 21, 2021 before the Commission. Staff gave a presentation about the project, providing largely the same presentation that was provided to the Hearing Officer, but with additional information added regarding what has occurred since the April 20 action by the Hearing Officer. The applicant's attorney, Steve Kaplan, spoke in favor of allowing the applicant to continue working with the County on the CUP application, with a significantly reduced project scope as shown on the most recent site plan, and requested a continuance of the hearing. The applicant, Shaul Yakovi, also spoke in favor of allowing the CUP application to continue

through the County review process. A total of 17 speakers testified in opposition to the project and in support of the action to deny the CUP due to inactivity. They detailed numerous complaints and concerns about the special event facility, including complaints about persistent and excessive noise, especially during late night and early morning hours, traffic, potential drunk drivers leaving the facility, potential impacts to the water table from water used by the facility, potential impacts to water quality from the septic systems on the site, potential fire hazards caused by pyrotechnics and fire allegedly used at the facility, an alleged lack of respect for and cooperation with law enforcement, County officials, and for the general public, violation of public health orders during the COVID-19 pandemic, excessive lighting which is believed to violate the County's Rural Outdoor Lighting District requirements, the failure by the applicant to follow the applicable rules, regulations, and requirements, potential adverse impacts to human health, potential adverse impacts to wildlife and domestic animals, as well as other concerns. One member of the public spoke in support of the project, who was an attorney who represents the applicant in other proceedings, but not in the matter of the CUP. He disputed some of the testimony given by other members of the public. Steve Kaplan responded to some of the concerns during a rebuttal, and again asked for more time to resolve the issues related to the CUP. The Planning Director provided testimony regarding a request by the County to take action to prevent the applicant from conducting unpermitted events, including the installation of k-rails, physical barriers to block access to the facility pursuant to a judicial order. The Commission asked questions to staff regarding the unpaid fees and the other event venues in Agua Dulce. Staff stated that the unpaid fees to Regional Planning equaled \$6,970, and that they were not familiar with any other event venues in Agua Dulce, but were aware of the movie set located immediately to the north of the project site. The Commission concluded that the CUP is inactive as the applicant has not demonstrated any progress to resolve the outstanding issues as presented by staff and approved a motion by a vote of 5-0 to uphold the denial of CUP 201200163 due to inactivity by the Hearing Officer.

5. **LOCATION.** 32222 Agua Dulce Canyon Road, Agua Dulce (Assessor's Parcel Number ("APN") 3212-007-025, 3212-007-026, 3212-007-027, 3212-007-028, and 3212-008-054)
6. The project was filed on December 19, 2012. Since the application was filed, staff of the County Department of Regional Planning ("staff") has asked the applicant for additional materials needed to proceed with the project.
7. The first correction letter from staff was dated June 13, 2013. At the time the CUP was submitted and when the first letter was written, the project site included eight APNs, including the five APNs listed above as well as 3212-004-012, 3212-008-052, and 3212-008-054. This letter instructed the applicant to submit CUP referral fees for other County Departments (Los Angeles County Department of Parks and Recreation (DPR), Department of Public Health (DPH), and Fire Department (FD), the Environmental Assessment-Initial Study fee and related referral fee for the Department of Public Works (DPW), an application for a Certificate of Compliance (COC), and make numerous corrections to the site plan, application form, project description, and submit other required application materials.

8. The second correction letter from staff was dated May 12, 2015. By this time, three of the original APNs comprising the project site were no longer owned by the applicant. This correction letter was sent to request an updated site plan and related application materials to reflect the change of ownership, as well as the other required information that had still not been provided. This letter listed a due date of August 12, 2015 and stated that the CUP application may be denied due to inactivity if the required information was not provided by this date.
9. A third correction letter from staff was dated July 15, 2015. Revised plans had been provided from the applicant showing the current five APNs while eliminating the APNs which were no longer part of the project ownership. However, the project description had not been revised to reflect this change and most of the other required information had not been provided, including the required fees. This letter listed a due date of October 15, 2015 and stated that the CUP application may be denied due to inactivity if the required information was not provided by this date.
10. A fourth correction letter from staff was dated March 23, 2016. The due date had been extended prior to this date, and the applicant had provided some of the requested materials, although most of the requested items had still not been provided and some required fees, such as the CUP Referral fees, Environmental Assessment Fee and related DPW referral fee, and COC fee, had still not been paid. This letter listed a due date of June 20, 2016 and said the project may be denied due to inactivity if the required information was not provided by this date. This correction letter was sent again to the applicant on August 10, 2016 with some items having been checked off or addressed, although most of the items remained unresolved. On March 24, 2017 the letter was sent to the applicant again to reflect the current fee schedule.
11. On December 3, 2018 staff sent an email to the applicant stating that the CUP application could be scheduled for denial if the required CUP referral fees were not paid by February 4, 2019.
12. On February 6, 2019, with the CUP referral fees still unpaid, a fifth correction letter was sent to the applicant. This letter listed all of the required items that were still outstanding and said the CUP application will be denied due to inactivity unless the necessary items were provided by May 6, 2019, including the CUP referral fees.
13. On April 4, 2019 the applicant paid the CUP referral fees. Staff consulted with DPH, DPW, FD, and DPR for the CUP application. DPR cleared the CUP on July 16, 2019 without providing a letter. Letters were received from DPH, DPW, and FD, which listed the information that was needed from each department in order for these departments to clear the CUP for public hearing. These letters were provided to the applicant on August 15, 2019 and August 21, 2019 and the applicant was instructed to work with each department directly to address the issues listed in the letters.
14. The County Fire Department sent a letter on August 8, 2019 stating that there are pending items that must be addressed. The County Department of Public Works and

County Department of Public Health sent letters on August 14, 2019 stating that there are pending items that must be addressed. These letters included requests for the following additional information: FD-revisions to the site plan to demonstrate compliance with Fire Code access requirements, additional information to determine the fire flow, fire hydrant, and water requirements, and a preliminary fuel modification plan; DPH-reports to demonstrate an adequate potable water supply, reports to demonstrate adequacy of onsite wastewater treatment system, plans for Food Plan Check Program, plans for pool facilities, and a noise study; DPW-traffic access management study, trip generation study, hydrology report, Low Impact Development Plan, geotechnical study, site plan revisions to show line of site, easements, removal of obstructions in the right of way and other information. The above County Departments have still not received the requested information or materials to enable further project evaluation.

15. On January 22, 2020, staff emailed the applicant to inquire about the progress of the CUP with regard to the other County departments. A copy of the February 6, 2019 correction letter was also resent, along with updates to the fees which were still unpaid. There had been no progress on addressing the items from the letter except for payment of the CUP referral fees on April 4, 2019. Staff did not receive any response from the applicant to the January 22, 2020 email.
16. On September 9, 2020 a sixth correction letter was sent by staff to the applicant. This letter was essentially the same as the one sent on February 6, 2019, except the CUP referral fees were no longer listed, the other fees were updated, and the letters from DPH, DPW, and FD for the CUP consultation were referred to and attached. The September 9, 2020 letter stated that the CUP application will be denied unless the necessary information is provided by October 13, 2020.
17. At the request of the applicant, on October 8, 2020 staff sent an email to the applicant extending the deadline to November 12, 2020 to provide an updated site plan and project description in order to keep the application from being denied.
18. After receiving a revised site plan on November 12, 2020, on November 19, 2020 staff emailed the applicant with a list of site plan corrections and a request for a revised project description to reflect changes to the site plan, to be provided as soon as possible.
19. A revised site plan was provided to staff by the applicant on December 28, 2020 but no project description was provided. Staff sent an email on February 4, 2021 with a list of corrections needed for the site plan as well as another request for the project description and a request to submit the necessary information to DPH to meet their drinking water and onsite wastewater treatment system requirements. This email gave a deadline of February 18 for providing this information in order to keep the CUP application active and avoid scheduling it for denial due to inactivity.
20. On February 11, 2021 Staff offered to set up a meeting with the other County departments reviewing the CUP if an accurate revised site plan and updated project description were provided by February 18, 2021. The purpose of the meeting would

have been to determine if the changes to the project to reduce its scope to the existing uses and structures would change the requirements by DPW, DPH and FD that had been provided for the project in 2019, and to assess the viability of the project.

21. On February 17, 2021 the applicant submitted a revised site plan and project description. However, the site plan still required further revisions and the project description was not consistent with the site plan and included additional uses beyond what currently exists on the project site. Staff emailed the applicant on February 24, 2021 with a request for further corrections to the site plan and project description. A due date of March 11, 2021 was provided.
22. On March 9, 2021, the applicant submitted a revised site plan. However, no project description was provided. Because the project description had not been provided by the March 11, 2021 due date, and there had been no progress in addressing the other requirements for the CUP detailed in the September 9, 2020 letter and in previous letters, or in addressing the requirements of the other County departments, staff sent a notice to deny the project due to inactivity on March 18, 2021. This notice listed a hearing date of April 20, 2021 and stated that the applicant must submit written correspondence to staff by April 18, 2021 in order to request to keep the project active and to avoid being scheduled for denial.
23. Although a revised site plan was provided on March 9, 2021, a revised project description and the other previously requested information have not been provided, and staff is unable to further evaluate the project. The applicant has been given numerous extensions over the years since the application was filed in 2012 and has been given plenty of time and opportunities to provide the information necessary for staff to evaluate the project and the CUP request. However, the applicant has failed repeatedly to provide the requested information, while providing only incomplete and partial information, failing to pay all of the required fees, failing to file a COC application, and failing to make demonstrable effort to work with staff and with the other County departments to resolve the issues and show progress regarding the pending CUP application.
24. Staff sent a letter to the applicant dated March 18, 2021 informing the applicant that pursuant to Section 22.222.100 (denial for lack of information) of the County Code, the case would be scheduled before a Hearing Officer for denial due to inactivity on April 20, 2021.
25. The March 18, 2021 letter also directed the applicant to contact staff within 30 days, by April 18, 2021, for the CUP application to remain active.
26. The applicant has failed to submit the required materials, including all of the information requested by FD, DPH, and DPW in 2019, and most of the information in the September 9, 2020 Regional Planning letter, including an acceptable project description consistent with the site plan, Environmental Assessment fee and related DPW referral fee, COC application fee, articles of incorporation, site photographs and photo key map, within the required timeframe, which was by April 18, 2021.

27. The Hearing Officer Denied CUP No. 201200163 on April 20, 2021. The applicant had until May 4, 2021 to appeal the decision.
28. The applicant filed the appeal to the Commission on April 29, 2021.
29. **LEGAL NOTIFICATION.** The Commission finds that pursuant to Section 22.222.120 of the County Code, the community was properly notified of the public hearing by mail, newspaper (The Signal and La Opinion), and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website. On May 20, 2021, a total of 37 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 26 notices to those on the courtesy mailing list for the Soledad Zoned District.
30. **ENVIRONMENTAL.** An environmental determination was not made, since action on the project is neither being approved nor undertaken. Therefore, pursuant to the California Public Resources Code Section 15270, the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves. Therefore, the project qualifies as a Statutory Exemption (Projects Which Are Disapproved) and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

THEREFORE, in view of the findings of fact and conclusions presented above, CUP No. 201200163 is **DENIED**.

SD:RC
7/21/21